

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

DEANGELA SMITH,

Plaintiff,

V.

NATIONAL BUREAU OF  
COLLECTIONS, INC., an Oklahoma  
corporation,

Defendant.

CIVIL ACTION

FILE NO. 3:11-975-CMC

# COMPLAINT FOR DAMAGES

## INTRODUCTION

1. This is an action for damages against the defendant for violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq.

## SUBJECT MATTER JURISDICTION

2. Subject matter jurisdiction in this Court is proper pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337 (federal question jurisdiction).

## PARTIES AND PERSONAL JURISDICTION

3. Plaintiff is a resident of this State, District and Division and is authorized by law to bring this action.

4. Defendant, NATIONAL BUREAU OF COLLECTIONS, INC., is a corporation formed under the laws of the State of Oklahoma. [Hereinafter, said Defendant is referred to as "NBC"].

5. NBC transacts business in this state.

6. NBC's transactions in this state give rise to the Plaintiff's cause of action.

7. NBC is subject to the jurisdiction and venue of this Court.

8. NBC may be served by personal service upon its registered agent in the State of Oklahoma, to wit: David Herbert, 5922 S.E. 15<sup>th</sup> Street, Midwest City, OK 73110.

9. Alternatively, NBC may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure and, as applicable, the laws of the States of South Carolina or Oklahoma.

### **FACTS COMMON TO ALL CAUSES**

10. NBC uses the mails in its business.

11. NBC uses telephone communications in its business.

12. The principle purpose of NBC's business is the collection of debts.

13. NBC regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, another.

14. NBC is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.

15. In the course of attempting to collect a consumer debt allegedly due from Plaintiff to a business not a party to this litigation, NBC communicated with Plaintiff in a manner which violated the Federal Fair Debt Collection Practices Act.

16. The alleged debt which NBC attempted to collect from the plaintiff was incurred for personal, family or household purposes.

17. During the preceding 12 months, NBC left at least one telephone message for Plaintiff requesting a return call.

18. In the message, NBC did not meaningfully disclose its identity.

19. In the message, NBC did not state that the communication was from a debt collector.

20. In the message, NBC did not state that the purpose of the communication was an attempt to collect a debt.

21. Defendant's communications violate the Fair Debt Collection Practices Act.

22. Plaintiff has complied with all conditions precedent to bring this action.

**CAUSE OF ACTION  
COUNT ONE: FAIR DEBT COLLECTION PRACTICES ACT**

23. The acts of Defendant constitute violations of the Fair Debt Collection Practices Act.

24. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. The placement of telephone calls without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6);
- b. The use of any false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. § 1692e; and
- c. The failure to disclose in subsequent communications that the communication is from a debt collector, in violation of 15 U.S.C. § 1692e(11).

25. As a result of Defendant's actions, Plaintiff is entitled to an award of statutory damages, as well as an award of costs and attorney fees.

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT JUDGMENT BE ENTERED AGAINST DEFENDANT AND IN FAVOR OF PLAINTIFF, AS FOLLOWS:

- a) That Plaintiff be awarded statutory damages;
- b) That Plaintiff be awarded the expenses of litigation including a reasonable attorney fee;
- c) That the Court declare each and every defense raised by Defendant to be insufficient;
- d) A trial by jury; and
- d) That the Court grant such further and additional relief as is just in the circumstances.

Respectfully submitted,

/s/ Alex MacClenahan  
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